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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,824	06/29/2000	Guo-Qiang Q. Wang	91436-251	7432

22463 7590 09/30/2003

SMART AND BIGGAR
438 UNIVERSITY AVENUE
SUITE 1500 BOX 111
TORONTO, ON M5G2K8
CANADA

EXAMINER

PHAN, HANH

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 09/30/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,824

Applicant(s)

WANG ET AL.

Examiner

Hanh Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 06/11/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (US Patent 6,525,850).

Regarding claims 1, 7, 8 and 10-12, referring to figures 1-10, Chang discloses a method of operating a data communication apparatus comprising:

at each of a plurality of service specific transceivers (i.e., header network 132 and ATM/SONET 131, Fig. 1):

receiving a plurality of input signals from a given plurality of data communications devices operating with a given data communication protocol (i.e., IP router 111, IP router 112, Figs. 1 and 3);

aggregating each of the received plurality of input signals to result in a given service specific electrical signal (Fig. 3);

transmitting the given service specific electrical signal to a wavelength

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access controller (i.e., header encoder 321, header remover 322, Fig. 3, and processor 310, Fig. 7)(col. 8, lines 56-67, col. 9, lines 1-41, col. 10, lines 12-67 and col. 17, lines 59-67 and col. 18, lines 1-63);

at the wavelength access controller (Figs. 3 and 7):

receiving a plurality of service specific electrical signals from a plurality of service specific transceivers (i.e., header network 132 and ATM/SONET 131, Fig. 1), at least two of the service specific transceivers operating with different data communication protocols (Fig. 1);

converting the plurality of service specific electrical signals to a corresponding plurality of service specific optical signals (Figs. 3 and 7);

wavelength division multiplexing the plurality of service specific optical signals to result in a wavelength division multiplexed signal; and

transmitting the wavelength division multiplexed signal over an optical conductor to an element of an optical transport network (see col. 6, lines 36-67 and col. 7, lines 1-30, col. 25, lines 34-67 and col. 26, lines 1-40).

Regarding claim 2, Chang further teaches the wavelength access controller classifying each of the plurality of service specific electrical signals (col. 6, lines 36-67 and col. 7, lines 1-30).

Regarding claims 3 and 9, Chang further teaches maintaining at the wavelength access controller a database of information relating to resources in the optical transport network (col. 8, lines 39-55 and col. 9, lines 8-41).

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Regarding claim 4, Chang further teaches the resources comprises wavelength channels between elements in the optical transport network (col. 8, lines 39-55 and col. 9, lines 8-41).

Regarding claim 5, Chang further teaches further comprising:

receiving a connection request from one of the plurality of service specific transceivers;

determining, based on the information in the database, a path through the transport network corresponding to the connection request; and

instructing the element of the optical transport network to set up the determined path through the transport network (col. 8, lines 39-55 and col. 9, lines 8-41 and col. 16, lines 32-52).

Regarding claim 6, Chang further teaches before the converting including header information in each of the plurality of service specific electrical signals (Figs. 2 and 7).

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Hanh Phan

Hanh Phan

09/17/2003